



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,294	01/02/2004	Chih-Hsin Wang	CFP-2365 (15722/616)	2384

23595 7590 07/29/2005
NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS, MN 55402

EXAMINER

PARSLEY, DAVID J

ART UNIT	PAPER NUMBER
----------	--------------

3643

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,294

Applicant(s)

WANG, CHIH-HSIN

Examiner

David J. Parsley

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-7 and 10-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-7 and 10-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

Amendment

1. This office action is in response to applicant's amendment dated 5-10-05 and this action is final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 7,233 to Gibbons or U.S. Design No. 285,625 to Kirk.

Referring to claims 12 and 13, Gibbons and Kirk disclose a device comprising a central member – at a, B of Gibbons and – at the link portion connecting the two loops as seen in figures 1-5 of Kirk, a first lateral member – at A or A' of Gibbons and – at one of the loops in figures 1-5 of Kirk, for pivotal and releasable engagement with the central member – see for example figures 1-2 of Gibbons and figures 1-5 of Kirk, and a second lateral member – at the other of A or A' of Gibbons and – at the other of the loops in figures 1-5 of Kirk, for pivotal and releasable engagement with the central member – see for example figures 1-2 of Gibbons and figures 1-5 of

Art Unit: 3643

Kirk, wherein the central member is a male member while the lateral members are female members – see for example figures 1-2 of Gibbons and figures 1-5 of Kirk, wherein the male member includes a first cylinder formed at an end and a second cylinder formed at an opposite end – see for example at a in figures 1-2 of Gibbons and see the ends of the central member in figures 1-5 of Kirk, and the first female member defines a first recess – see at A and A' in figure 1 of Gibbons and either of the loops in figures 1-5 of Kirk, into which the first cylinder can be forced and in which the first cylinder can be pivoted and the second female member defines a second recess – see at A or A' in figure 1 of Gibbons and the loops in figures 1-5 of Kirk, into which the second cylinder can be forced and in which the second cylinder can be pivoted – see for example figures 1-2 of Gibbons and figures 1-5 of Kirk, wherein the central member includes a cavity defined in a side – see for example figure 1 of Gibbons and figures 2-3 of Kirk. Gibbons and Kirk both further disclose the first and second cylinders each having an axis and a first side and a second side spaced along the axis from the first side – see for example at a in figure 1 of Gibbons and – see the central member in figures 1-5 of Kirk, with the first and second cylinders having cross sections at the first and second sides of a same shape and size – see for example at a in figure 1 of Gibbons and – see the central member in figures 1-5 of Kirk. Gibbons and Kirk both do not disclose the cavity in the central member receives a nametag. However, this is a functional limitation in an apparatus claim and it is deemed that the cavities in the central members of the Gibbons and Kirk devices are capable of receiving name tags in that tags of sufficient size can be placed inside the cavities as seen in figure 1 of Gibbons and figures 2-4 of Kirk.

Referring to claim 14, Gibbons and Kirk disclose the first and second cylinders having cross sections of a constant shape and size between the first and second sides – see for example at a in figure 1 of Gibbons and the ends of the central member in figures 1-5 of Kirk.

Referring to claim 15, Gibbons and Kirk disclose the first and second cylinders terminating in the first and second sides – see for example – at a in figure 1 of Gibbons and – at the central member in figures 1-5 of Kirk.

Referring to claim 16, Gibbons and Kirk disclose the first recess of the first female member includes a reduced opening extending parallel to and spaced from the axis so as to keep the first cylinder therein – see for example at A and A' in figure 1 of Gibbons and at the loops in figures 3-5 of Kirk, wherein the second recess of the second female member includes a reduced opening extending parallel to and spaced from the axis so as to keep the second cylinder therein – see at A and A' of Gibbons and at the loops in figures 3-5 of Kirk.

Claims 4-7 and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Design No. 140,270 to Sharp.

Referring to claim 18, Sharp discloses a device comprising a central member – see the device connecting the two loops in figures 1-2, a first lateral member – at one of the loops, for pivotal and releasable engagement with the central member – see for example figures 1-2, and a second lateral member – the other of the loops in figures 1-2, for pivotal and releasable engagement with the central member – see for example figures 1-2, wherein the central member is a female member – see figures 1-2, while the lateral members are male members – see figures 1-2, wherein the female member includes a first recess defined in an end and a second recess defined in an opposite end – see for example figures 1-2, and the first male member includes a

Art Unit: 3643

cylinder that can be forced into and pivotal with the first recess – see for example figures 1-2, and the second male member includes a cylinder that can be forced into and pivotal within the second recess – see for example figures 1-2, with the cylinders of the first and second male members each having an axis and a first side and a second side spaced along the axis from the first side – see for example figures 1-2, with the cylinders of the first and second male members each having cross sections at the first and second sides of a same shape and size – see for example figures 1-2.

Referring to claim 4, Sharp discloses the first recess includes a reduced opening so as to keep the cylinder of the first male member therein – see for example at either of the loops in figures 1-2.

Referring to claim 5, Sharp discloses the second recess includes a reduced opening so as to keep the cylinder of the second male member therein – see for example at either of the loops in figures 1-2.

Referring to claims 6-7, Sharp discloses the first and second male members include bars located opposite the cylinders thereof – see the outer portions of the loops in figure 1, and spaced from the cylinders in a direction perpendicular to the axis, with the bars to be wound by an end of the collar – see for example figures 1-2.

Referring to claim 19, Sharp discloses the cylinders of the first and second male members each having cross sections of a constant shape and size between the first and second sides – see for example the loops in figures 1-2.

Referring to claim 20, Sharp discloses the cylinders of the first and second male members each terminating in the first and second sides – see for example figures 1-2.

Referring to claim 21, Sharp discloses the first recess of the female member includes a reduced opening – see at the central portion in figures 1-2, extending parallel to and spaced from the axis so as to keep the cylinder of the first male member therein – see for example figures 1-2, wherein the second recess of the female member includes a reduced opening extending parallel to and spaced from the axis – see for example at the central portion in figures 1-2, so as to keep the cylinder of the second male member therein – see for example figures 1-2.

Referring to claim 22, Sharp discloses the first recess of the female member has a length parallel to the axis of the cylinder of the first male member – see figures 1-2, with a first passage being defined between the bar and the cylinder – see the opening in either of the loops in figure 1, of the first member having a length parallel to the axis of the cylinder of the first male member generally equal to the length of the recess for pivotally receiving the female member and the first recess of the female member – see at either of the loops in figures 1-2, wherein the second recess of the female member has a length parallel to the axis of the cylinder of the second male member and having a length parallel to the axis of the cylinder of the second male member generally equal to the length of the second recess for pivotally receiving the female member and the second recess of the female member – see the other of the loops in figures 1-2.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3643

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbons or Kirk as applied to claim 13 above, and further in view of U.S. Design No. 140,270 to Sharp.

Referring to claims 10-11, Gibbons and Kirk further disclose the first and second female member includes a bar – see at the edge of A and A' of Gibbons and – at the ends of the loops as seen in figures 1-5 of Kirk, located opposite the first and second recesses respectively and spaced from the first or second recess in a direction perpendicular to the axis – see for example figure 1 of Gibbons and figures 1-5 of Kirk. Gibbons and Kirk do not disclose the bar of the first and second female member is to be wound with an end of the collar. Sharp does disclose the bar of the first and second female member is to be wound with an end of the collar – see the loops in figure 2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Gibbons or Kirk and add the collar wound around the bars of Sharp, so as to allow for the collar to be securely held to the female members.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbons or Kirk as applied to claim 13 above, and further in view of U.S. Design No. 253,501 to Hoch.

Referring to claim 17, Gibbons and Kirk do not disclose the first recess of the first female member has a length parallel to the axis of the first cylinder, with the male member including a passage spaced inwardly of the first cylinder and having a length parallel to the axis of the first cylinder generally equal to the length of the first recess for pivotally receiving the first female member and the first recess of the first female member therein, wherein the second recess of the second female member has a length parallel to the axis of the second cylinder, with the male member including a passage spaced inwardly of the second cylinder and having a length parallel

Art Unit: 3643

to the axis of the second cylinder generally equal to the length of the second recess for pivotally receiving the second female member and the second recess of the second female member therein. Hoch does disclose the first recess of the first female member – see at either of the hooked end members, has a length parallel to the axis of the first cylinder – see figure 1, with the male member including a passage spaced inwardly of the first cylinder and having a length parallel to the axis of the first cylinder generally equal to the length of the first recess for pivotally receiving the first female member and the first recess of the first female member therein – see the square shaped opening in the central part in figure 1, wherein the second recess of the second female member – the other of the hooked end members, has a length parallel to the axis of the second cylinder, with the male member including a passage spaced inwardly of the second cylinder and having a length parallel to the axis of the second cylinder generally equal to the length of the second recess for pivotally receiving the second female member and the second recess of the second female member therein – see the square shaped opening in the central member in figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Gibbons or Kirk and add the central male member with the inwardly spaced passage of Hoch, so as to allow for the device to be adjustable and flexible.

Response to Arguments

4. Applicant's arguments with respect to claims 4-7 and 10-22 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890.

The examiner can normally be reached on 9hr compressed.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Parsley
Patent Examiner
Art Unit 3643


KURT ROWAN
PRIMARY EXAMINER
GROUP 3200